IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REV. APPLICATION NO.301 OF 2005

M/s.Khan Transport .. Applicant

Versus

M/s.Munde Transport .. Respondent

Mr.Uday Warunjikar for applicant

Mr.Y.M.Nakhwa, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 7th December 2006.

P.C.

. The only submission of the applicant original complainant is that J.M.F.C. Pune has without assigning any cogent reasons not awarded the sentence which is liable to be awarded for

the offence under section 138 of the N.I. Act. The grievance is that this is a flee bite sentence. The sentence needs to be, therefore, enhanced from rising of the court as awarded to simple imprisonment atleast for two months.

2. An affidavit is filed by the original accused and she has pointed out that during the course of proceedings a demand draft of Rs.23,000/- and further D.D. of Rs.13,000/- was sought to be forwarded but the complainant refused the accept the same. Learned Advocate for accused submits that she has deposited a sum of Rs.20,000/- as fine and the instructions are that the accused would deposit a further sum of Rs.15,000/- in the trial court provided some time is given to her.

3. After taking an overall view of the matter and since the judgement of conviction and sentence is pronounced on 14th March 2005 and

further amount of Rs.20,000/- being already deposited, interest of justice would be sub-served if the order of the J.M.F.C. is maintained but with a modification with regard to the amount of compensation. Thus, in addition to the fine of Rs.20,000/- accused would be liable to pay Rs.15,000/- as compensation. This amount shall be deposited within a period of 16 weeks from today. No further extension will be granted. In default, it would be open for the applicant to initiate appropriate proceedings including for breach of directions and orders of this Court.

4. Application is disposed of with above modification. Original complainant is permitted to withdraw the sum of Rs.20,000/- already deposited in the trial court and further a sum of Rs.15,000/- as and when deposited. All concerned to act on an authenticated copy of this order.

(S.C.Dharmadhikari, J)